

Before the
New Hampshire Board of Registration in Medicine
Concord, New Hampshire

In the Matter of:
The Application of
Pauline D. Trudeau,

Application No. 92-005

ORDER OF CONDITIONAL APPROVAL

Pauline D. Trudeau ("Applicant"), a May 1992 graduate of Springfield Technical Community College, Springfield, Massachusetts, submitted an application for a New Hampshire license to practice as a physical therapist assistant pursuant to NH RSA 328-A:2, on August 11, 1992. The Board of Registration in Medicine ("the Board") sent a letter and a copy of the applicable statute and rules to the Applicant on August 17, 1992, and requested that she have her employer submit the enclosed Supervisory Form prior to beginning employment. The letter sent to the Applicant clearly stated, "Candidates for licensure MUST NOT begin employment in New Hampshire until such time as they are properly registered with this office." (Attachment A).

The Supervisory Form was not returned to the Board office until October 1, 1992. At that time the employer/supervisor noted on the form that the Applicant had been employed and supervised at Lakes Region General Hospital since August 31, 1992. (Attachment B). On October 2, 1992, the Applicant and her

supervisor, Gilbert Lawrence, P.T.II, were asked to attend the October 27, 1992 meeting of the Physical Therapy Advisory Committee ("the Committee"). At the meeting, the Applicant submitted a copy of a letter from Continental Testing Services, Inc., an Illinois firm contracting with the Massachusetts Board of Allied Health Professionals to grade examinations and notify examinees of the results. (Attachment C). The letter, dated May 26, 1992, which the Applicant had provided to her New Hampshire employer, assigned the Applicant a temporary license number prior to taking the July 23, 1992 examination and informed her that "Between now and the announcement of the results of this examination, you may practice as a physical therapist assistant under the direction of a licensed physical therapist/assistant." The copy of the letter did not identify a state licensing authority on the letterhead, however, according to the Massachusetts Board of Allied Health Professionals, the original letter did have the "Commonwealth of Massachusetts" at the top of the letterhead.

Both the Applicant and her supervisor apparently believed the letter was a temporary license which was valid in any state, although they both also acknowledged that the New Hampshire statute and rules indicate that a New Hampshire temporary license may only be obtained from the New Hampshire Board.

During the October 27, 1992 meeting, the Committee advised

the Applicant that she had been practicing without a license in the State of New Hampshire since August 31, 1992. The Committee also noted that it had not received the results of the July 23, 1992 National Physical Therapy Examination and advised the Applicant that no licensing action could be taken until the report had been received. A report has since been received indicating that the Applicant passed the examination.

New Hampshire RSA 328-A forbids practice as a physical therapist assistant in the State of New Hampshire without a license, and the Applicant apparently practiced in violation of the statute. Practice as a physical therapist assistant without a valid license is in direct violation of the statute.

Board Rule Med 804.03(b) specifies that "A completed supervisory form shall be on file in the Office of the Board of Registration in Medicine prior to issuance of a temporary certificate." and Rule Med 804.03(c) states that "Applicants shall not begin to practice until such time as they receive a proper temporary certificate." This conduct is grounds for denial of a license and precludes the Board from granting an unrestricted license to an otherwise qualified applicant.

THEREFORE IT IS ORDERED, that the application of Pauline D. Trudeau, for a license to practice as a physical therapist assistant in the State of New Hampshire is approved with the following conditions:

1. Effective on the date on which this Order is signed by the Board, the Applicant shall be issued a license to practice as a physical therapist assistant in the State of New Hampshire, subject to all the terms and conditions required by law.

2. Beginning on the date on which this Order is signed by the Board, the Applicant's license to practice as a physical therapist assistant shall be suspended for thirty days.

IT IS FURTHER ORDERED, that the Applicant has fifteen (15) days from the date of this Order to accept the abovementioned conditions or to specifically request a hearing in writing. Failure to accept these conditions shall automatically void the Order; and

IT IS FURTHER ORDERED, that pursuant to the authority of NH RSA 328-A:16, the Board shall fine the Applicant a penalty of fifty dollars (\$50.00) for practicing as a physical therapist assistant without a valid license in violation of NH RSA 328-A:2; and

IT IS FURTHER ORDERED that the license suspension shall be stayed upon receipt of the Applicant's written acceptance of this Order and payment of the fine; and

IT IS FURTHER ORDERED, that a copy of this Order shall be served by certified mail to the Applicant's employer, Lakes Region General Hospital, Laconia, New Hampshire, to provide the employer with notice of the violation and an awareness of

possible internal policy problems regarding confirmation of employee license status prior to employment; and

IT IS FURTHER ORDERED, that a copy of this Order be served by certified mail, return receipt requested, to the Applicant.

BY ORDER OF THE BOARD

Dated:

Dec 2, 1992

Sean A. Barnes
For the New Hampshire
Board of Registration in Medicine